

Senate Bill 583

By: Senators Hamrick of the 30th and Shafer of the 48th

**AS PASSED SENATE**

**A BILL TO BE ENTITLED**

**AN ACT**

To amend Article 1 of Chapter 8 of Title 17 of the Official Code of Georgia Annotated, relating to general provisions for criminal trials, so as to provide a method for the waiver of the right to trial by jury in a criminal case; to provide for related matters; to provide for applicability and an effective date; to repeal conflicting laws; and for other purposes.

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

**SECTION 1.**

Article 1 of Chapter 8 of Title 17 of the Official Code of Georgia Annotated, relating to general provisions for criminal trials, is amended by striking Code Section 17-8-2, relating to indictments and special presentments to be presented to a jury and exceptions for settlements between the prosecutor and the defendant which are approved by the court, and inserting in its place a new Code Section 17-8-2 to read as follows:

"17-8-2.

(a) Whenever a defendant is entitled to a trial by jury, the trial shall be by jury unless the defendant waives his or her right to a trial by jury in writing, the state consents to the defendant's waiver, and the court approves of the waiver as indicated by order of the court.

(b) All indictments or special presentments shall be submitted to and passed upon by a jury under the direction of the presiding judge unless there is a settlement of the case between the prosecutor and the defendant, which settlement shall be valid only by the approval and order of the court on examination into the merits of the case."

**SECTION 2.**

This Act shall become effective on July 1, 2006, and shall apply to offenses committed on or after that date.

**SECTION 3.**

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- 1 All laws and parts of laws in conflict with this Act are repealed.